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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,033	01/28/2004	Naotaka Ikeda	03500.017854	9590
5514 7590 05/16/2005 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER NGO, HOANG X	
			ART UNIT 2852	PAPER NUMBER

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/765,033	<b>Applicant(s)</b> IKEDA ET AL.	
	<b>Examiner</b> Hoang Ngo	<b>Art Unit</b> 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/7/04, 7/21/04</u> . | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 8, 9, 14-16, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuruya et al.

Tsuruya et al disclose an image forming apparatus comprising a single electrostatic latent image-bearing member and a cyclic image forming unit group provided in a circular arrangement with a plurality of image forming units each having a replenishing developer cartridge containing a replenishing developer, and a developing assembly, and forming respective different-color toner images and is so constructed that each image forming unit is movable to a development position; an exposure position and a development position at the time of forming respective-color toner images being the same for each color and the respective-color toner images formed on the electrostatic latent image bearing member being superimpose transferred under registration onto a recording medium, and the respective-color toner images formed on the electrostatic latent image-bearing member being transferred to the recording medium at the same transfer position (i.e. rotatable developing apparatus, Col. 1, lines 33-59); at least one of the image forming units being a special-color image forming unit having a special-color replenishing developer 32d (i.e. black developer, Col. 12, line 1)

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and at least one of the other image forming units being a non-special color image forming unit having a non-special color replenishing developers 32a, 32b, 32c (Col. 12, line 3); the special color image forming unit having a two-component developer containing a carrier and a toner (Col. 10, lines 56-57); the special color replenishing developer cartridge having a volume larger than the volume of the non-special color replenishing developer cartridge (Col. 12, lines 1-8).

Tsuruya et al further disclose the image forming units group is disposed at a regular interval (Col. 1, lines 37-39) and the special color component developer is a black replenishing developer (Col. 12, line 1).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-7, 10-13, 17-20, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuruya et al in view of Otake et al.

As discussed above, Tsuruya et al disclose every aspects of Applicant's claimed invention except for specifically disclosing about the special color component developer having toner in an amount of from 1 to 30 parts by weight based on one part by weight of the carrier and the toner is produced by subjecting to a polymerizable monomer composition containing polymerizable monomer and a colorant in an aqueous medium with a polymerization initiator; the carrier having a true specific gravity of between 2.5 to

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4.5 g/cm<sup>3</sup> and is a magnetic-fine-particle-dispersed carrier obtained by polymerization containing magnetic particles and binder resin.

Otake et al disclose a type of developer for use in an image forming apparatus comprising toner and carrier components, wherein the toner having an amount from 1 – 30 parts by weight based on one part by weight of the carrier (Col. 16, lines 5-13) and the toner is produced by subjecting to a polymerizable monomer composition containing polymerizable monomer and a colorant in an aqueous medium with a polymerization initiator (Col. 23, lines 8-22) and wherein the carrier having a true specific gravity of between 2.5 – 4.5 g/cm<sup>3</sup> (Col. 15, lines 30-34) and is a magnetic-fine-particle-dispersed in the carrier obtained by polymerization containing magnetic particles and binder resin (Col. 14, lines 29-40).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the developer as taught by Otake et al to the image forming apparatus of Tsuruya in order to achieve high image quality.

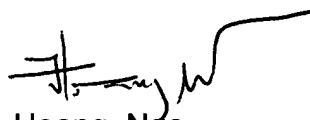
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Ngo whose telephone number is (571) 272-2138. The examiner can normally be reached on 6:00am - 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hoang Ngo  
Primary Examiner  
Art Unit 2852

Hn